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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

JONATHAN W. MILES,

Plaintiff,

No. 08-05473 JSW

v.

US GOVERNMENT,

**ORDER RE CORRESPONDENCE
AND FURTHER ORDER TO
SHOW CAUSE**

Defendant.

/

On December 5, 2008, Plaintiff Jonathan W. Miles filed a Complaint naming the “U.S. Government” as defendant. In his one page Complaint, Miles alleges that he has “been a victim of organized crime, racketeering and illegal profiteering for about 38 years.” He seeks \$5 million from “people who used government jobs to commit these crimes.”

On December 23, 2008, the Court issued an Order to Show Cause to Plaintiff, in which it noted several defects with his Complaint. The Court ordered Plaintiff to respond to the Order to Show Cause by January 30, 2009.

On January 13, 2009, the Court received a letter from Plaintiff stating that he had “served summons on the Houston Police Department and the FBI, Houston Office.” (Docket No. 8.)¹ As of the date of this Order, however, Plaintiff has not filed a proof of service establishing that these Defendants were served in accordance with Federal Rule of Civil Procedure 4. Plaintiff also states that “if you need any more summon let me know before [the

¹ Copies of the summons issued to these entities were filed on January 14, 2009. (Docket No. 7.)

1 Court's] deadline of January 30, 2009." It is not this Court's responsibility to advise Plaintiff
2 for whom he should obtain summons.

3 In light of Plaintiff's most recent filing, the Court also questions whether this District is
4 the appropriate venue. Plaintiff resides in Seattle, and Plaintiff has named as Defendants
5 entities in Texas. Accordingly, Plaintiff is HEREBY ORDERED TO SHOW CAUSE why this
6 matter should not be dismissed or transferred pursuant to 28 U.S.C. § 1406(a), which provides
7 that "[t]he district court of a district in which is filed a case laying venue in the wrong division
8 or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or
9 division in which it could have been brought." Plaintiff's response to this Order to Show Cause
10 shall be due by March 20, 2009.

11 The Court also reminds Plaintiff of his obligations to serve the Defendants in accordance
12 with the provisions of Federal Rule of Civil Procedure 4. Failure to comply with that rule may
13 also result in the dismissal of this action without prejudice. *See* Fed. R. Civ. P. 4(m).

14 The Court again advises Plaintiff that a Handbook for Pro Se Litigants, which contains
15 helpful information about proceeding without an attorney, is available through the Court's
16 website or in the Clerk's office.

17 **IT IS SO ORDERED.**

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19 Dated: March 2, 2009

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21 JEFFREY S. WHITE
22 UNITED STATES DISTRICT JUDGE
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6 UNITED STATES DISTRICT COURT
7 FOR THE
8 NORTHERN DISTRICT OF CALIFORNIA

9 JONATHAN W. MILES,

Case Number: CV08-05473 JSW

10 Plaintiff,

CERTIFICATE OF SERVICE

11 v.

12 US GOVERNMENT et al,

13 Defendant.

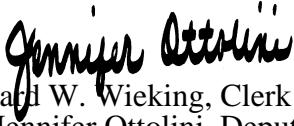
14 /

15 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
16 Court, Northern District of California.

17 That on March 2, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said
18 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
19 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
20 located in the Clerk's office.

21
22 Jonathan W. Miles
23 515 Third St.
24 P.O. Box 12546
25 Seattle, WA 98104

26 Dated: March 2, 2009

27
28 
Richard W. Wiking, Clerk
By: Jennifer Ottolini, Deputy Clerk